UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,284	10/16/2001	Lisa Desjardins	52493.000062	2061

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EXAMINER
LOFTIS, JOHNNA

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/977,284	DESJARDINS, LISA
	Examiner	Art Unit	
	Johnna R. Loftis	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 October 2001*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a first office action upon examination of application number 09/977,284.

Claims 1-25 are pending and have been examined on the merits discussed below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by

Commonwealth of Virginia Information Technology Resource Management Guideline,

hereinafter ITRM.

As per claim 1, ITRM teaches assessing the feasibility of the project in a first principal

step to determine whether to proceed with the project, and generating a first set of deliverables

(page 2-3, phase 1 – covers feasibility studies including mandatory and optional deliverables);

submitting the first deliverables to one or more authorizing agents in a first approval step to

determine the viability of the project after the first principal step (page 2-5 – written approvals

are submitted to determine if the project should proceed); performing initial project analysis in a

second principal step to determine the project's functional requirements, and generating a second

set of deliverables (page 2-6, phase 2 – covers the tasks, activities, and deliverables necessary to

define, finalize and document the function and informational requirements for the project);

submitting the second set of deliverables to one or more authorizing agents in a second approval

step to determine the viability of the project after the second principal step (page 2-9 – approval

of the deliverables is obtained); designing the IT product in a third principal step, and generating

a third set of deliverables (pages 2-16 – 2-25 – the development of the file structures, interfaces,

application programs, etc, are included in phase 4 along with required and optional deliverables);

submitting the third set of deliverables to one or more authorizing agents in a third approval step

to determine the viability of the project after the third principal step (page 2-24 – step of

approving deliverables takes place); building the IT product in a fourth principal step, and

generating a fourth set of deliverables (page 2-26 – 2-35, phase 5 – physical development of the

system takes place and mandatory and optional deliverables are submitted) ; submitting the

fourth set of deliverables to one or more authorizing agents in a fourth approval step to determine

the viability of the project after the fourth principal step (page 2-26 – 2-35, phase 5 – physical

development of the system takes place and mandatory and optional deliverables are submitted

for approval, page 2-34); testing the IT product in a fifth principal step to determine the viability

of the project, and generating a fifth set of deliverables (pages 2-29 – 2-32, phase 5 – system

tests take place); submitting the fifth set of deliverables to one or more authorizing agents in a

fifth approval step to determine the viability of the project after the fifth principal step (pages 2-

29 – 2-32, phase 5, deliverables are submitted for approval); implementing the IT product in a

sixth principal step, and generating a sixth set of deliverables (pages 2-37 – 2-41, phase 6 –

accepted deliverables from previous phases are implemented); submitting the sixth set of

deliverables to one or more authorizing agents in a sixth principal step to determine the viability

of the project after the sixth principal step (pages 2-37 – 2-41, phase 6 – deliverables are

submitted for approval); and terminating the IT project in a seventh principal step, including

evaluating the project, and generating a seventh set of deliverables (pages 2-42 – 2-45 – phase 7, benefits of the accepted information system are evaluated).

As per claim 2, ITRM teaches the first set of deliverables includes one or more of the following deliverables: (a) a feasibility analysis; (b) a high level cost-benefit analysis; (c) a risk analysis and (d) a cost and schedule estimate for the second principal step (page 2-3 – feasibility studies are part of phase 1; 2-4 – phase 1 – time and cost estimates are prepared), wherein the second set of deliverables includes one or more of the following deliverables: (a) the charter document; (b) a detailed cost-benefit analysis; (c) a project schedule; (d) a risk analysis matrix; (e) project controls documentation; (f) budget-related documentation; (g) system acceptance criteria; and (h) detailed requirements documentation (page 2-7 – deliverable: functional and informational requirements are defined), wherein the third set of deliverables includes one or more of the following deliverables: (a) business and technical requirements; (b) system user and interface standards; (c) data model; (d) logical data model; (e) technical specification; (f) test strategy plan and scripts; (g) conversion plan; (h) retirement plan; (i) detailed training plan; (j) system transition plan; (k) updated cost benefit analysis and project schedule; and (l) IT product prototype (pages 2-16 – 2-25 – phase 4 deliverables include: logical file structures/database design, conversion plan, cost-benefit analysis), wherein the fourth set of deliverables includes one or more of the following deliverables: (a) the IT product; (b) monitoring procedures; (c) code package; (d) test results; (e) configuration management (f) installation/back-out documentation and procedures; (g) training material; (h) systems manuals; (i) disaster recovery plan; (j) deployment documentation; (k) rollout and implementation plans; and (l) test scripts (pages 2-26 – 2-36 – phase 5 deliverables include: test results, instructions documentation,

training plan, recovery capabilities), wherein the fifth set of deliverables includes one or more of the following deliverables: (a) test results; (b) disaster recovery procedures; (c) support scripts and manuals; (d) warranty; (e) on-call procedures; (f) maintenance manuals; (g) help desk scripts; and (h) disaster recovery procedures (pages 2-31 – 2-35 – phase 5 deliverables include test results, recovery capabilities, instruction documentation), wherein the sixth set of deliverables includes one or more of the following: (a) escalation procedures pertaining to a hierarchical sequence of steps that may be used by the "recipients" of the IT product to demand that changes be made to the IT product; (b) on-call procedures; (c) solution metrics; (d) project evaluation documentation; and (e) a support defects log (pages 2-37 – 2-41 – phase 6 deliverables include: evaluation documentation, point of contact information, etc); and wherein the seventh set of deliverables includes one or more of the following deliverables; (a) explanation/documentation of variation of planned product to actual realized product; (b) best practices sharing; (c) process improvement opportunities; (d) relevant project documentation; and (e) a benefits monitoring plan (pages 2-42 – 2-45 – phase 7 deliverables include identifying enhancements or recommendations for correcting deficiencies, cost/benefit analysis, etc.).

As per claim 3, ITRM teaches at least one of the principal steps includes plural substeps (each phase contains several tasks, i.e., page 2-16 – 2-25, phase 4, Design, includes subtasks 4.10 thru 4.210)

As per claim 4, ITRM teaches the step of accessing and utilizing at least one tool to provide assistance in performing the project (page 2-4 – part of phase 1 is to identify system development tools that will be used on the project).

As per claim 5, ITRM teaches the step of presenting information regarding the status of

the project, including an indication of the level of completion of each of the principal steps (at

the end of each phase, the Manage step includes monitoring progress).

As per claim 6, ITRM teaches providing information regarding structural process for

developing the IT product, the information including: (i) first data regarding principal steps of

the structured process (the structured model standard includes 7 phases); (ii) second data

regarding substeps included in each principal step, wherein each principal step includes at least

one substep (each phase includes a plurality of tasks); and (iii) third data regarding approval

procedures performed during the process for validating the viability of the project (each phase

has an approval step); accessing the information; and performing the principal steps, substeps,

and approval procedures specified in the accessed information (the guidelines set forth each

phase and tasks to be performed as well as the approval procedures for each phase).

As per claim 7, ITRM teaches assessing the feasibility of the project in a first principal

step to determine whether to proceed with the project, and generating a first set of deliverables

(page 2-3, phase 1 – covers feasibility studies including mandatory and optional deliverables);

submitting the first deliverables to one or more authorizing agents in a first approval step to

determine the viability of the project after the first principal step (page 2-5 – written approvals

are submitted to determine if the project should proceed); performing initial project analysis in a

second principal step to determine the project's functional requirements, and generating a second

set of deliverables (page 2-6, phase 2 – covers the tasks, activities, and deliverables necessary to

define, finalize and document the function and informational requirements for the project);

submitting the second set of deliverables to one or more authorizing agents in a second approval

step to determine the viability of the project after the second principal step (page 2-9 – approval

of the deliverables is obtained); designing the IT product in a third principal step, and generating

a third set of deliverables (pages 2-16 – 2-25 – the development of the file structures, interfaces,

application programs, etc, are included in phase 4 along with required and optional deliverables);

submitting the third set of deliverables to one or more authorizing agents in a third approval step

to determine the viability of the project after the third principal step (page 2-24 – step of

approving deliverables takes place); building the IT product in a fourth principal step, and

generating a fourth set of deliverables (page 2-26 – 2-35, phase 5 – physical development of the

system takes place and mandatory and optional deliverables are submitted) ; submitting the

fourth set of deliverables to one or more authorizing agents in a fourth approval step to determine

the viability of the project after the fourth principal step (page 2-26 – 2-35, phase 5 – physical

development of the system takes place and mandatory and optional deliverables are submitted

for approval, page 2-34); testing the IT product in a fifth principal step to determine the viability

of the project, and generating a fifth set of deliverables (pages 2-29 – 2-32, phase 5 – system

tests take place); submitting the fifth set of deliverables to one or more authorizing agents in a

fifth approval step to determine the viability of the project after the fifth principal step (pages 2-

29 – 2-32, phase 5, deliverables are submitted for approval); implementing the IT product in a

sixth principal step, and generating a sixth set of deliverables (pages 2-37 – 2-41, phase 6 –

accepted deliverables from previous phases are implemented); submitting the sixth set of

deliverables to one or more authorizing agents in a sixth principal step to determine the viability

of the project after the sixth principal step (pages 2-37 – 2-41, phase 6 – deliverables are

submitted for approval); and terminating the IT project in a seventh principal step, including

evaluating the project, and generating a seventh set of deliverables (pages 2-42 – 2-45 – phase 7, benefits of the accepted information system are evaluated).

As per claim 8, ITRM teaches the information provided regarding the structured process additionally includes fourth data regarding output deliverables produced by the structured process flow and the timing at which the output deliverables should be generated (each phase has mandatory and optional deliverables that are submitted after each task is completed, i.e., in phase 1, entitled project definition, after task 1.10 is completed and the project team is briefed, a deliverable is submitted documenting the project team meeting).

As per claim 9, ITRM teaches the information provided regarding the structured process additionally includes fifth data regarding at least one tool that can be utilized to provide assistance in performing the project (page 2-4 – part of phase 1 is to identify system development tools that will be used on the project).

As per claim 10, ITRM teaches at least one tool includes at least one worksheet for use in performing at least one step in the structured process (page 2-4 – development tools are identified, including preparing a list of project tasks, activities and deliverables, which inherently could be printed on a worksheet).

As per claim 13, ITRM teaches the step of presenting information regarding status of the structured process to a user, including an indication of the level of completion of each of the principal steps (each phase has a Manage Project step wherein progress is monitored against the plan and progress reports are prepared).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11, 12 and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Commonwealth of Virginia Information Technology Resource Management Guideline,

hereinafter ITRM.

As per claims 11, 12, 14-24, they are all directed to the system with databases containing

data to be retrieved so the user can interact with the information to perform the principal steps of

the IT project managing process taught in claims 1-10 and 13. While it would have been obvious

to one of ordinary skill in the art at the time of the invention to automate the steps of the ITRM

guidelines, it was known at the time of the invention that merely providing an automatic means

to replace a manual activity which accomplishes the same result is not sufficient to distinguish

over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

As per claim 25, ITRM teaches the step of presenting information regarding status of the

structured process to a user, including an indication of the level of completion of each of the

principal steps (each phase has a Manage Project step wherein progress is monitored against the

plan and progress reports are prepared), but does not include a thermometer type display for each

principal step. However, it is old and well known in the art of progress management to indicate

partial achievement of goals on a display such as a thermometer as a way to visualize the

progress toward reaching the goal. By displaying progress on a thermometer type display the team members or other members of the organization can "see" the status of the project.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin, Merle P. "Analysis and Design of Business Information Systems""

Osterle, Hubert et al, "Total Information System Management"

Doyle, US 5,233,513 – business modeling, software engineering and prototyping method and apparatus

Guheen et al, US 6,957,186 – system method and article of manufacture for building, managing, and supporting various components of a system

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL
11/23/05

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